

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

DATE OF DECISION: 4.8.2006

New India Assurance Company Limited

...Appellant

versus

Bhani Ram and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr. Justice S.D.Anand.

Present: Mr.R.N.Singal, Advocate,
for the appellant

UMA NATH SINGH, J.

This FAO arises out of an award dated 26.5.2006 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Hisar, in MACT Case No.213 of 2001, awarding a sum of Rs.2,80,000/- with 6% interest per annum in an injury case, where the claimant suffered 62.7% disability.

Learned counsel submitted that the appellant-Insurance Company has been granted permission to contest the case under Section 170 of the Motor Vehicles Act, 1988 (for short 'the Act'). Learned counsel assailed the award mainly on two grounds, namely, that in the FIR, name of the driver was different and it was subsequently changed without any explanation, and that the original copy of the MLR was not produced before the Court to assess the compensation. We do not find any force in both these submissions for the reason that the driver of the offending vehicle (Jeep No.RJ-31-C-1422) was found to be driving the vehicle rashly and negligently. It appears that the FIR was lodged by a third person and,

therefore, he could not give the name correctly, as is evident from the discussion in the award. That apart, Satbir Singh, driver of the offending vehicle, is facing prosecution in FIR No.637 dated 9.8.2001 under Sections 279, 337, 338 and 304-A IPC in a Court at Hisar. This is not a case of the Insurance Company that the driver of the offending vehicle, Satbir Singh, was not holding a valid driving licence. That apart, we also notice from the discussion that the disability certificate (Ex.P6) indicated that the claimant received fracture of right femur and fracture of both bones of right leg, right hip, knee and ankle. There was also a shortening of his leg. The Tribunal has carefully examined the disability certificate before coming to the conclusion that the leg was shortened due to multiple injuries, including fracture on the lower part of the body of the claimant. Thus, no further evidence is required as regards the nature of disability. The Tribunal has awarded Rs.1,30,000/- towards disability and Rs.1,50,000/- on account of trauma, pain and suffering, special diet, and transportation expenditure etc. We do not find any infirmity in the compensation amount. In the obtaining circumstances, it only appears to be just and reasonable.

Accordingly, this FAO No.3456 of 2006, being devoid of merits, is hereby dismissed.

**(UMA NATH SINGH)
JUDGE**

**August 4, 2006
pk**

**(S.D.ANAND)
JUDGE**